Index to Volume 19

1 is the Summer 1993 issue
2 is the Autumn 1993 issue
3 is the Winter 1993/94 issue
4 is the Spring 1994 issue

Note: The pages in the Winter 1993/94 issue (No. 3) were misnumbered so that the page numbers duplicate some page numbers in other issues. Therefore, in searching for articles in this volume, be sure to select the issue by number *before searching for the referenced pages. The remaining pages in the issues of this volume are numbered in correct consecutive order.*

AUTHORS

Baxter, Gregory W. Guest Column—Over There: Enforcing the 1991 Civil Rights Act Abroad, No. 2, 257-266.

Bellace, Janice R. Guest Column—Book Review: Alfred W. Blumrosen, *Modern Law: The Law Transmission System and Equal Employment Opportunity* and William B. Gould IV, *Agenda for Reform: The Future of Employment Relationships and the Law*, No. 4, 579-586.

Boies, Wilber H., and Ross, Nancy G. The Struggle over Retiree Medical Benefits: Who's on Top?, No. 3, 169-186.

Bompey, Stuart H., and Pappas, Michael P. Is There a Better Way? Compulsory Arbitration of Employment Discrimination Claims after *Gilmer*, No. 3, 197-216.

Brown, Barbara Berish, and Germanis, Intra L. Hostile Environment Sexual Harassment: Has *Harris* Really Changed Things?, No. 4, 567-578.

Brown, Thomas, and Montellaro, Randell. Pension Interference Does Not Constitute Violation of the ADEA: *Hazen Paper Co. v. Biggins*, No. 3, 187-196.

Burns, James A., Jr. Review of the Literature—Permanent Replacement of Striking Employees: Note, "One Strike and You're Out?: Creating an Efficient Permanent Replacement Doctrine" (*Harv. L. Rev.*), No. 1, 169-173.

Burns, James A., Jr. Review of the Literature—Implications of the Civil Rights Act of 1991: Note, "Understanding Mixed Motive Claims under the Civil Rights Act of 1991: An Analysis of Intentional Discrimination Claims Based on Sex-Stereotyped Interview Questions" (*Mich. L. Rev.*), No. 3, 287-295.

Burns, James A., Jr. Review of the Literature—Avoiding Liability for Employment References: Note, Edward R. Horkan, "Contracting around the Law of Defamation and Employment References" (*Va. L. Rev.*), No. 2, 307-312.

Burns, James A., Jr. Review of the Literature—Sexual Harassment Plaintiffs: Does It Matter How They Spoke and Dressed?: Comment, Christina A. Bull, "The Implications of Admitting Evidence of a Sexual Harassment Plaintiff's Speech and Dress in the Aftermath of *Meritor Savings Bank FSB v. Vinson*" (*UCLA L. Rev.*), No. 4, 655-660.

Burstein, James A., and Hamann, Steven L. Better Late Than Never—After-Acquired Evidence in Employment Discrimination Cases, No. 2, 193-204.

Catlett, Steven T., and Nager, Glen D. Practical Labor Lawyer—Employees Can't Have Their Cake and Eat It Too: Estopping Age Discrimination Complainants Who Have Signed Releases, No. 2, 295-305.

Chaitovitz, Ann E., and Cundiff, Victoria A. *St. Mary's Honor Center v. Hicks*: Lots of Sound and Fury, but What Does It Signify?, No. 3, 147-168.

Cogan, Evelyn Boss. *Ezold v. Wolf, Block, Schorr and Solis-Cohen*: Legitimate Subjective Judgment or Discrimination?, No. 3, 217-225.

Coil, James H. III, and Rice, Charles M. The Tip of the Iceberg: Early Trends in ADA Enforcement, No. 4, 485-505.

Copus, David A., and Nager, Glen D. Benefit Plan Limitations after the Americans with Disabilities Act, No. 1, 77-89.

Cundiff, Victoria A. Practical Labor Lawyer—How to Conduct an Exit Interview: An Intellectual Property Law Perspective, No. 1, 159-168.

Cundiff, Victoria A., and Chaitovitz, Ann E. *St. Mary's Honor Center v. Hicks*: Lots of Sound and Fury, but What Does It Signify?, No. 3, 147-168.

Damon, Lisa J., Walworth, Carla R., and Wilder, Carole F. Walking a Fine Line: Managing the Conflicting Obligations of the Americans with Disabilities Act and Workers' Compensation Laws, No: 2, 221-232.

Esposito, Michael D., and Myers, Jeffrey E. Managing AIDS in the Workplace, No. 1, 53-75.

Eytalis, Cecelia M., and Rosenberg, Sally A. Health Reform and Employee Health Benefits Programs, No. 4, 471-483.

Frumer, Sheri L., and Kandel, William L. Employment Litigation—The Corporate Ombudsman and Employment Law: Maintaining the Confidentiality of Communications, No. 4, 587-602.

Germanis, Intra L., and Brown, Barbara Berish. Hostile Environment Sexual Harassment: Has *Harris* Really Changed Things?, No. 4, 567-578.

Hall, Russell E., and Shultz, Paul T. Employee Benefits—Communication Requirements of the Final 404(c) Regulations, No. 1, 141-149.

Hall, Russell E., and Shultz, Paul T. Employee Benefits—New Developments in Nonqualified Deferred Compensation, No. 4, 611-619.

Hall, Russell E., and Shultz, Paul T. Employee Benefits—Tax Court Provides New Guidance on Partial Plan Terminations, No. 2, 285-288.

Hamann, Steven L., and Burstein, James A. Better Late Than Never—After-Acquired Evidence in Employment Discrimination Cases, No. 2, 193-204.

Hartstein, Barry A., and Wilde, Thomas M. Practical Labor Lawyer—The Broadening Scope of Harassment in the Workplace, No. 4, 639-653.

Hummel, Denise L. Anatomy of an ADA Case, No. 1, 103-116.

Kandel, William L. Employment Litigation—Financial Exposure of Managers for Personnel Decisions, No. 2, 267-276.

Kandel, William L., and Frumer, Sheri L. Employment Litigation—The Corporate Ombudsman and Employment Law: Maintaining the Confidentiality of Communications, No. 4, 587-602.

Kandel, William L., and Kilens, Kearney W. In-House Counsel as Whistle-Blower: At-Will Employment on Trial, No. 1, 91-102.

Kilberg, William J. From the Editor—Charting a New Course for Regulation of the Workplace, No. 4, 467-470.

Kilberg, William J. From the Editor—An Open Letter to Robert Reich, No. 1, 1-4.

Kilberg, William J. From the Editor—Regulating Health Care: The American Health Security Act, No. 3, 143-145.

Kilberg, William J. From the Editor—Retiree Welfare Benefits, Part III, No. 2, 175-177.

Kilens, Kearney W., and Kandel, William L., In-House Counsel as Whistle-Blower: At-Will Employment on Trial, No. 1, 91-102.

Looram, Karen L., and Shultz, Paul T. Employee Benefits—Managing Workers' Compensation Medical Costs: A State-by-State Guide, No. 3, 251-267.

Martin, Christopher J. Labor-Management Relations—The *Associated Builders* Case—The Supreme Court Closes the Boston Harbor to Non-union Contractors, No. 4, 603-609.

Martin, Christopher J. Labor-Management Relations—*Electromation* and Its Aftermath, No. 1, 133-140.

Martin, Christopher J. Labor-Management Relations—The NAFTA Debate: Are Concerns about U.S. Job Migration to Mexico Legitimate?, No. 3, 239-250.

Martin, Christopher J., and Radez, Patricia S. Labor-Management Relations—The NLRB's Difficult Dilemma: To Defer or Not To Defer in Drug Testing Cases, No. 2, 277-283.

Mishkind, Charles S., and Wright, Louise B. Employment Litigation—Joinder of Individual Defendants in Employment Litigation: Is Removal Still Possible?, No. 1, 117-132.

Montellaro, Randell, and Brown, Thomas. Pension Interference Does Not Constitute Violation of the ADEA: *Hazen Paper Co. v. Biggins*, No. 3, 187-196.

Myers, Jeffrey E., and Esposito, Michael D. Managing AIDS in the Workplace, No. 1, 53-75.

Nager, Glen D., and Catlett, Steven T. Practical Labor Lawyer—Employees Can't Have Their Cake and Eat It Too: Estopping Age Discrimination Complainants Who Have Signed Releases, No. 2, 295-305.

Nager, Glen D., and Copus, David A. Benefit Plan Limitations after the Americans with Disabilities Act, No. 1, 77-89.

Norris, Megan P., and Randon, Mark A. Sexual Orientation and the Workplace: Recent Developments in Discrimination and Harassment Law, No. 2, 233-246.

Northrup, Herbert R. Union Corporate Campaigns and Inside Games as a Strike Form, No. 4, 507-549.

Oseth, John M., and Smith, Kevin M. The Whistleblowing Era: A Management Perspective, No. 2, 179-192.

Pappas, Michael P., and Bompey, Stuart H. Is There a Better Way? Compulsory Arbitration of Employment Discrimination Claims after *Gilmer*, No. 3, 197-216.

Parliman, Gregory C., and Shoeman, Rosalie J. National Origin Discrimination or Employer Prerogative? An Analysis of Language Rights in the Workplace, No. 4, 557-565.

Piskorski, Thomas J., and Ross, David B. Private Arbitration as the Exclusive Means of Resolving Employment-Related Disputes, No. 2, 205-219.

Pulliam, L. Lynne. Practical Labor Lawyer—Smoking in the Workplace: Developing a Policy That Works for Your Company, No. 3, 279-286.

Qualiana, Mary K., and Shaller, Elliot H. The Family and Medical Leave Act—Key Provisions and Potential Problems, No. 1, 5-22.

Radez, Patricia S., and Martin, Christopher J. Labor-Management Relations—The NLRB's Difficult Dilemma: To Defer or Not To Defer in Drug Testing Cases, No. 2, 277-283.

Randon, Mark A., and Norris, Megan P. Sexual Orientation and the Workplace: Recent Developments in Discrimination and Harassment Law, No. 2, 233-246.

Reiman, Pamela S., and Yohay, Stephen C. Safety and Health—Compliance with Clean Air Act Employer Trip Reduction Requirements, No. 4, 621-638.

Rice, Charles M., and Coil, James H. III. The Tip of the Iceberg: Early Trends in ADA Enforcement, No. 4, 485-505.

Rosenberg, Sally A., and Eytalis, Cecelia M. Health Reform and Employee

Health Benefits Programs, No. 4, 471-483.
Ross, David B., and Piskorski, Thomas J. Private Arbitration as the Exclusive Means of Resolving Employment-Related Disputes, No. 2, 205-219.
Ross, Nancy G., and Boies, Wilber H. The Struggle over Retiree Medical Benefits: Who's on Top?, No. 3, 169-186.
Sand, Robert H. Safety and Health—OSHA Access to Privileged Materials; Criminal Prosecutions; Damages for Fear of Cancer, No. 1, 151-157.
Sand, Robert H. Safety and Health—The Supreme Court Comes Face-to-Face with "Junk Science" and Punitive Damages. . .and Seems to Turn Away, No. 3, 269-286.
Sapper, Arthur G., and Yohay, Stephen C. Safety and Health—OSHA's "Egregious" Penalty Policy: Recent Developments and Future Prospects, No. 2, 289-294.
Shaller, Elliot H., and Qualiana, Mary K. The Family and Medical Leave Act—Key Provisions and Potential Problems, No. 1, 5-22.
Shoeman, Rosalie J., and Parliman, Gregory C. National Origin Discrimination or Employer Prerogative? An Analysis of Language Rights in the Workplace, No. 4, 557-565.
Shultz, Paul T., and Hall, Russell E. Employee Benefits—Communication Requirements of the Final 404(c) Regulations, No. 1, 141-149.
Shultz, Paul T., and Hall, Russell E. Employee Benefits—New Developments in Nonqualified Deferred Compensation, No. 4, 611-619.
Shultz, Paul T., and Hall, Russell E. Employee Benefits—Tax Court Provides New Guidance on Partial Plan Terminations, No. 2, 285-288.
Shultz, Paul T., and Looram, Karen L. Employee Benefits—Managing Workers' Compensation Medical Costs: A State-by-State Guide, No. 3, 251-267.
Smith, Kevin M., and Oseth, John M. The Whistleblowing Era: A Management Perspective, No. 2, 179-192.
Smith, Matthew M., and Winterbauer, Steven H. Overtime Compensation under the FLSA: Pay Them Now or Pay Them Later, No. 1, 23-51.
Walworth, Carla R., Damon, Lisa J., and Wilder, Carole F. Walking a Fine Line: Managing the Conflicting Obligations of the Americans with Disabilities Act and Workers' Compensation Laws, No. 2, 221-232.
Watson, Jerome R. Employment Litigation—Employer Liability for the Sexually Harassing Actions of Its Customers, No. 3, 227-237.
Wilde, Thomas M., and Hartstein, Barry A. Practical Labor Lawyer—The Broadening Scope of Harassment in the Workplace, No. 4, 639-653.
Wilder, Carole F., Walworth, Carla R., and Damon, Lisa J. Walking a Fine Line: Managing the Conflicting Obligations of the Americans with Disabilities Act and Workers' Compensation Laws, No. 2, 221-232.
Winterbauer, Steven H., and Smith, Matthew M. Overtime Compensation under the FLSA: Pay Them Now or Pay Them Later, No. 1, 23-51.
Wright, Louise B., and Mishkind, Charles S. Employment Litigation—Joinder of Individual Defendants in Employment Litigation: Is Removal Still Possible?, No. 1, 117-132.
Wymer, John F. III. Contract Employees: Yours, Mine, or Ours?, No. 2, 247-255.
Yohay, Stephen C., and Reiman, Pamela S. Safety and Health—Compliance with Clean Air Act Employer Trip Reduction Requirements, No. 4, 621-638.
Yohay, Stephen C., and Sapper, Arthur G. Safety and Health—OSHA's "Egregious" Penalty Policy: Recent Developments and Future Prospects, No. 2, 289-294.

AGE DISCRIMINATION

Practical Labor Lawyer—Employees Can't Have Their Cake and Eat It Too: Estopping Age Discrimination

Complainants Who Have Signed Releases, Glen D. Nager and Steven T. Catlett, No. 2, 295-305.
Pension Interference Does Not Constitute Violation of the ADEA: *Hazen Paper Co. v. Biggins*, Thomas Brown and Randell Montellaro, No. 3, 187-196.

AIDS
Managing AIDS in the Workplace, Michael D. Esposito and Jeffrey E. Myers, No. 1, 53-75.

AMERICANS WITH DISABILITIES ACT
Anatomy of an ADA Case, Denise L. Hummel, No. 1, 103-116.
Benefit Plan Limitations after the Americans with Disabilities Act, David A. Copus and Glen D. Nager, No. 1, 77-89.
The Tip of the Iceberg: Early Trends in ADA Enforcement, James H. Coil III and Charles M. Rice, No. 4, 485-505.
Walking a Fine Line: Managing the Conflicting Obligations of the Americans with Disabilities Act and Workers' Compensation Laws, Carla R. Walworth, Lisa J. Damon, and Carole F. Wilder, No. 2, 221-232.

ARBITRATION
Is There a Better Way? Compulsory Arbitration of Employment Discrimination Claims after *Gilmer*, Stuart H. Bompey and Michael P. Pappas, No. 3, 197-216.
Private Arbitration as the Exclusive Means of Resolving Employment-Related Disputes, Thomas J. Piskorski and David B. Ross, No. 2, 205-219.

BOOK REVIEW
Alfred W. Blumrosen, *Modern Law: The Law Transmission System and Equal Employment Opportunity* and William B. Gould IV, *Agenda for Reform: The Future of Employment Relationships and the Law*, Janice R. Bellace, No. 4, 579-586.

COMPENSATION
Overtime Compensation under the FLSA: Pay Them Now or Pay Them Later, Matthew M. Smith and Steven H. Winterbauer, No. 1, 23-51.

EDITORIALS
An Open Letter to Robert Reich, William J. Kilberg, No. 1, 1-4.
Charting a New Course for Regulation of the Workplace, William J. Kilberg, No. 4, 467-470.
Regulating Health Care: The American Health Security Act, William J. Kilberg, No. 3, 143-145.
Retiree Welfare Benefits, Part III, William J. Kilberg, No. 2, 175-177.

EMPLOYEE BENEFITS
Benefit Plan Limitations after the Americans with Disabilities Act, David A. Copus and Glen D. Nager, No. 1, 77-89.
Communication Requirements of the Final 404(c) Regulations, Paul T. Shultz and Russell E. Hall, No. 1, 141-149.
From the Editor—Retiree Welfare Benefits, Part III, William J. Kilberg, No. 2, 175-177.
Managing Workers' Compensation Medical Costs: A State-by-State Guide, Paul T. Shultz and Karen L. Looram, No. 3, 251-267.
New Developments in Nonqualified Deferred Compensation, Paul T. Shultz and Russell E. Hall, No. 4, 611-619.
The Struggle over Retiree Medical Benefits: Who's on Top?, Wilber H. Boies and Nancy G. Ross, No. 3, 169-186.
Tax Court Provides New Guidance on Partial Plan Terminations, Paul T. Shultz and Russell E. Hall, No. 2, 285-288.

EMPLOYMENT DISCRIMINATION
Better Late Than Never—After-Acquired Evidence in Employment Discrimination Cases, James A. Burstein and Steven L. Hamann, No. 2, 193-204.

Ezold v. Wolf, Block, Schorr and Solis-Cohen: Legitimate Subjective Judgment or Discrimination?, Evelyn Boss Cogan, No. 3, 217-225.
Guest Column—Over There: Enforcing the 1991 Civil Rights Act Abroad, Gregory W. Baxter, No. 2, 257-266.
National Origin Discrimination or Employer Prerogative? An Analysis of Language Rights in the Workplace, Gregory C. Parliman and Rosalie J. Shoeman, No. 4, 557-565.
St. Mary's Honor Center v. Hicks: Lots of Sound and Fury, but What Does It Signify?, Victoria A. Cundiff and Ann E. Chaitovitz, No. 3, 147-168.

Literature Reviewed

Note, "Understanding Mixed Motive Claims under the Civil Rights Act of 1991: An Analysis of Intentional Discrimination Claims Based on Sex-Stereotyped Interview Questions" (*Mich. L. Rev.*), James A. Burns, Jr., No. 3, 287-295.

EMPLOYMENT LITIGATION

The Corporate Ombudsman and Employment Law: Maintaining the Confidentiality of Communications, William L. Kandel and Sheri L. Frumer, No. 4, 587-602.
Employer Liability for the Sexually Harassing Actions of Its Customers, Jerome R. Watson, No. 3, 227-237.
Financial Exposure of Managers for Personnel Decisions, William L. Kandel, No. 2, 267-276.
Joinder of Individual Defendants in Employment Litigation: Is Removal Still Possible?, Charles S. Mishkind and Louise B. Wright, No. 1, 117-132.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act—Key Provisions and Potential Problems, Elliot H. Shaller and Mary K. Qualiana, No. 1, 5-22.

HEALTH CARE REFORM

Health Reform and Employee Health Benefits Programs, Sally A. Rosenberg and Cecelia M. Eytalis, No. 4, 471-483.
From the Editor—Regulating Health Care: The American Health Security Act, William J. Kilberg, No. 3, 143-145.

LABOR-MANAGEMENT RELATIONS

The *Associated Builders* Case—The Supreme Court Closes the Boston Harbor to Nonunion Contractors, Christopher J. Martin, No. 4, 603-609.
Contract Employees: Yours, Mine, or Ours?, John F. Wymer III, No. 2, 247-255.
Electromation and Its Aftermath, Christopher J. Martin, No. 1, 133-140.
The NAFTA Debate: Are Concerns about U.S. Job Migration to Mexico Legitimate?, Christopher J. Martin, No. 3, 239-250.
The NLRB's Difficult Dilemma: To Defer or Not To Defer in Drug Testing Cases, Christopher J. Martin and Patricia S. Radez, No. 2, 277-283.

PRACTICAL LABOR LAWYER

The Broadening Scope of Harassment in the Workplace, Barry A. Hartstein and Thomas M. Wilde, No. 4, 639-653.
Employees Can't Have Their Cake and Eat It Too: Estopping Age Discrimination Complainants Who Have Signed Releases, Glen D. Nager and Steven T. Catlett, No. 2, 295-305.
How to Conduct an Exit Interview: An Intellectual Property Law Perspective, Victoria A. Cundiff, No. 1, 159-168.
Smoking in the Workplace: Developing a Policy That Works for Your Company, L. Lynne Pulliam, No. 3, 279-286.

REVIEW OF THE LITERATURE

Avoiding Liability for Employment References: Note, Edward R. Horkan, "Contracting around the Law of Defamation and Employment References" (*Va. L. Rev.*), James A. Burns, Jr., No. 2, 307-312.

Implications of the Civil Rights Act of 1991: Note, "Understanding Mixed Motive Claims under the Civil Rights Act of 1991: An Analysis of Intentional Discrimination Claims Based on Sex-Stereotyped Interview Questions" (*Mich. L. Rev.*), James A. Burns, Jr., No. 3, 287-295.

Permanent Replacement of Striking Employees: Note, "One Strike and You're Out?: Creating an Efficient Permanent Replacement Doctrine" (*Harv. L. Rev.*), James A. Burns, Jr., No. 1, 169-173.

Sexual Harassment Plaintiffs: Does It Matter How They Spoke and Dressed?: Comment, Christina A. Bull, "The Implications of Admitting Evidence of a Sexual Harassment Plaintiff's Speech and Dress in the Aftermath of *Meritor Savings Bank FSB v. Vinson*" (*UCLA L. Rev.*), James A. Burns, Jr., No. 4, 655-660.

SAFETY AND HEALTH

Compliance with Clean Air Act Employer Trip Reduction Requirements, Pamela S. Reiman and Stephen C. Yohay, No. 4, 621-638.

OSHA Access to Privileged Materials; Criminal Prosecutions; Damages for Fear of Cancer, Robert H. Sand, No. 1, 151-157.

OSHA's "Egregious" Penalty Policy: Recent Developments and Future Prospects, Arthur G. Sapper and Stephen C. Yohay, No. 2, 289-294.

The Supreme Court Comes Face-to-Face with "Junk Science" and Punitive Damages. . .and Seems to Turn Away, Robert H. Sand, No. 3, 269-286.

SEXUAL HARASSMENT

Employment Litigation—Employer Liability for the Sexually Harassing Actions of Its Customers, Jerome R. Watson, No. 3, 227-237.

Hostile Environment Sexual Harassment: Has *Harris* Really Changed Things?, Barbara Berish Brown and Intra L. Germanis, No. 4, 567-578.

Practical Labor Lawyer—The Broadening Scope of Harassment in the Workplace, Barry A. Hartstein and Thomas M. Wilde, No. 4, 639-653.

Sexual Orientation and the Workplace: Recent Developments in Discrimination and Harassment Law, Megan P. Norris and Mark A. Randon, No. 2, 233-246.

Literature Reviewed

Comment, Christina A. Bull, "The Implications of Admitting Evidence of a Sexual Harassment Plaintiff's Speech and Dress in the Aftermath of *Meritor Savings Bank FSB v. Vinson*" (*UCLA L. Rev.*), James A. Burns, Jr., No. 4, 655-660.

UNIONS

Union Corporate Campaigns and Inside Games as a Strike Form, Herbert R. Northrup, No. 4, 507-549.

Literature Reviewed

Note, "One Strike and You're Out?: Creating an Efficient Permanent Replacement Doctrine" (*Harv. L. Rev.*), James A. Burns, Jr., No. 1, 169-173.

WHISTLE-BLOWING

In-House Counsel as Whistle-Blower: At-Will Employment on Trial, William L. Kandel and Kearney W. Kilens, No. 1, 91-102.

The Whistleblowing Era: A Management Perspective, Kevin M. Smith and John M. Oseth, No. 2, 179-192.

WORKERS' COMPENSATION

Employee Benefits—Managing Workers' Compensation Medical Costs: A State-by-State Guide, Paul T. Shultz and Karen L. Looram, No. 3, 251-267.

Walking a Fine Line: Managing the Conflicting Obligations of the Americans with Disabilities Act and Workers' Compensation Laws, Carla R. Walworth, Lisa J. Damon, and Carole F. Wilder, No. 2, 221-232.